

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ROYAL PARK INVESTMENTS SA/NA,

Plaintiff,

-against-

HSBC BANK USA NATIONAL ASSOCIATION,

Defendant.

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BLACKROCK BALANCED CAPITAL  
PORTFOLIO (FI), et al.,

Plaintiffs,

-against-

HSBC BANK USA,

Defendant.

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PHOENIX LIGHT SF LIMITED, et al.,

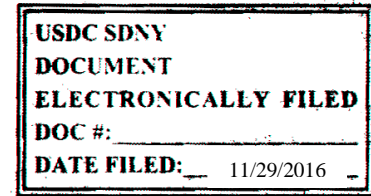
Plaintiffs,

-against-

HSBC BANK USA, NATIONAL ASSOCIATION,

Defendant.

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14-CV-08175 (LGS)(SN)

ORDER

14-CV-09366 (LGS)(SN)

14-CV-10101 (LGS)(SN)

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**NATIONAL CREDIT UNION  
ADMINISTRATION BOARD, et al.,**

**Plaintiffs,**

**15-CV-02144 (LGS)(SN)**

**-against-**

**HSBC BANK US, NATIONAL ASSOCIATION,**

**Defendant.**

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**COMMERZBANK A.G.,**

**Plaintiff,**

**15-CV-10032 (LGS)(SN)**

**-against-**

**HSBC BANK US, NATIONAL ASSOCIATION,**

**Defendant.**

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**TRIAXX PRIME CDO 2006-1, et al.,**

**Plaintiffs,**

**15-CV-10096 (LGS)(SN)**

**-against-**

**HSBC BANK USA, NATIONAL ASSOCIATION,**

**Defendant.**

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**SARAH NETBURN, United States Magistrate Judge:**

The Court has reviewed the plaintiffs' November 21, 2016 and HSBC's November 23, 2016 submissions regarding three discovery disputes. At the outset, the parties are reminded that

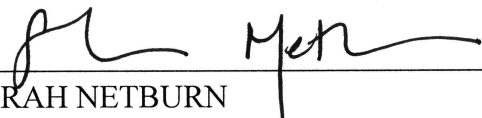
judicial intervention should be resorted to only after a meet-and-confer in good faith has failed to resolve the issue.

**Fact Depositions.** HSBC's letter evidences a troubling pattern of delay and unresponsiveness in deposition scheduling. The parties are hereby directed to meet and confer immediately regarding dates for *all* depositions that remain to be taken. The parties shall inform the Court that *all* depositions have been scheduled by no later than Friday, December 16, 2016.

**HSBC's Document Production.** The Court has told the parties repeatedly that a degree of trust in the opposing side's diligence is baked into the discovery process. Merely harboring "serious concerns" about the sufficiency of a production does not justify further inquiry absent specific evidence of improper withholdings. The plaintiffs' request to serve specific questions on HSBC regarding the documents that HSBC has withheld from production is therefore DENIED.

**Non-CTLA Custodians.** A production's low document count is not evidence of a party's failure to comply with the Court's Orders and its discovery obligations. Absent proof of specific gaps or deliberate withholding of relevant documents, the plaintiffs' request for HSBC to provide a detailed sworn statement affirming its effort to comply with the Court's discovery Orders is hereby DENIED.

**SO ORDERED.**

  
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SARAH NETBURN  
United States Magistrate Judge

DATED: New York, New York  
November 29, 2016